



Sen. John G. Mulroe

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09700HB5823sam001

LRB097 16924 JLS 69616 a

1 AMENDMENT TO HOUSE BILL 5823

2 AMENDMENT NO. _____. Amend House Bill 5823 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Health Care Services Lien Act is amended by
5 changing Section 30 and by adding Section 50 as follows:

6 (770 ILCS 23/30)

7 Sec. 30. Adjudication of rights. On petition filed by the
8 injured person or the health care professional or health care
9 provider and on the petitioner's written notice to all
10 interested adverse parties, the circuit court shall adjudicate
11 the rights of all interested parties and enforce their liens.

12 A petition filed under this Section may be served upon the
13 interested adverse parties by personal service, substitute
14 service, or registered or certified mail.

15 (Source: P.A. 93-51, eff. 7-1-03.)

1 (770 ILCS 23/50 new)

2 Sec. 50. Subrogation claims. If a subrogation claim or
3 other right of reimbursement claim that arises out of the
4 payment of medical expenses or other benefits exists with
5 respect to a claim for personal injury or death, and the
6 personal injury or death estate claimant's recovery is
7 diminished:

8 (1) by comparative fault; or

9 (2) by reason of the uncollectibility of the full value
10 of the claim for personal injury or death resulting from
11 limited liability insurance or from any other cause;
12 the subrogation claim or other right of reimbursement claim
13 shall be diminished in the same proportion as the personal
14 injury or death estate claimant's recovery is diminished. The
15 party asserting the subrogation claim or other right of
16 reimbursement claim shall bear a pro rata share of the personal
17 injury or death estate claimant's attorneys fees and litigation
18 expenses. This Section 50 does not apply to any holder of a
19 lien under this Act including, but not limited to, licensed
20 long-term care facilities."